

ENVIRONMENTAL QUALITY

CHAPTER 30

WATER QUALITY

Sub-Chapter 16

Water Quality Administrative Enforcement Procedure

Rule 17.30.1601 Enforcement Procedure

17.30.1602 Emergency Procedure

Sub-Chapter 17 reserved

WATER QUALITY 17.30.1602

Sub-Chapter 16

Water Quality
Administrative Enforcement Procedure

17.30.1601 ENFORCEMENT PROCEDURE IS REPEALED (History: 75-5-201, MCA; IMP, 75-5-611, MCA, Eff. 12/31/72; AMD, 1989 MAR p. 611, Eff. 5/12/89; TRANS, from DHES, 1996 MAR p. 1499; REP, 1996 MAR p. 1854, Eff. 7/4/96.)

17.30.1602 EMERGENCY PROCEDURE (1) Emergency conditions exist if the department finds that a person is committing or is about to commit an act in violation of the statute or a rule which, if it occurs or continues, will cause substantial pollution, the harmful effects of which will not be remedied immediately after the commission or cessation of the act.

(2) The department shall order such person to stop, avoid or moderate the act so that substantial injury will not occur.

(3) Notice of the order shall conform to the requirements of the notice referred to in 75-5-611, MCA, so far as practicable, and the order shall indicate that the order is an emergency.

(4) Upon issuing the order, the department shall fix a place and time for hearing before the board, not later than 5 days thereafter, unless the person to whom the order is directed shall request a later time. The notice shall be in writing, and may be contained in the order issued with respect to the emergency condition. The notice shall be personally served upon the alleged violator, if practicable, otherwise by mail or telegraph, and either affidavit of service will be made or notation will be made in the record of the time and place and manner of service of the notice. So far as practicable, all orders and notices issued under the provisions of the emergency section of the statute shall be in conformity with the orders and notices required under the provisions of 75-5-611, MCA. The hearing shall be conducted in the manner specified in 75-5-611, MCA, so far as contested cases are concerned, and will conform to all rules of practice applicable to contested cases. (History: 75-5-201, MCA; IMP, 75-5-621, MCA; Eff. 12/31/72; TRANS, from DHES, 1996 MAR p. 1499.)

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